

REMARKS

By this amendment, claims 18-20, 24, and 26-37 are pending in the application, of which claims 18-20, 24, and 35-37 are being amended. The claim amendments are fully supported by the original claims and Specification, and add no new matter. Accordingly, entry of the claim amendments is respectfully requested.

Claims 10 and 11 are being canceled without prejudice or disclaimer, as drawn to a non-elected invention.

Claims 21, 22, 25, and 38 and are also being canceled without prejudice or disclaimer.

Claim Rejections under 35 U.S.C. § 102

I. Claims 18-20, 22-34 and 37 were rejected under 35 U.S.C. § 102(e) as anticipated by Lin et al. (U.S. 2003/0026917A1).

Applicant respectfully submits that Lin et al. is a 102(a) reference as Lin et al. was published on February 6th, 2003, which is prior to filing date of present application which falls on October 22nd, 2003.

To anticipate a claim, a cited reference must contain all of the elements and limitations of the claim in a single prior art reference. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Research Found. V. Genentech Inc., 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

As acknowledged by the Examiner, Lin et al. is "silent as to the base material being titanium."

Applicant respectfully submits that Lin et al. does not anticipate claim 18 because Lin et al. does not teach a refurbished component comprising a titanium structure.

Independent claims 20, 24, and 37 now also recite a titanium structure.

Accordingly, since Lin et al. does not disclose a component comprising a titanium structure, Lin et al. does not disclose each and every element of independent claims 18, 20, 24 and 37; or the claims dependent therefrom. Consequently, Lin et al. does not anticipate claims 18-20, 22-34, and 37.

II. Claims 18-38 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative under 35 U.S.C. § 103(c), as obvious over Wang et al. (U.S. 6,902,628).

As indicated in the Office Action, Wang et al. has a common assignee with the instant application and an earlier effective US filing date. Accordingly, this rejection can be overcome by a showing under 37 CFR 1.132 that the invention disclosed but not claimed in the reference, was derived from the inventor of the present application.

The undersigned acknowledges that the subject matter of Wang et al. and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant is also providing a Declaration under 37 CFR 1.132 that the invention which was disclosed, but not claimed in the Wang et al. reference, was derived from the inventor of the present application. Accordingly, the 102 (e) rejection, and the 103(a) rejection which is based on the Wang et al. reference being a 102(e) reference, should also now be withdrawn under 103(c).

III. Claims 21, 35-36 and 38 were rejected under 35 USC 103(a) as unpatentable over Lin et al. in view of Garg et al. (U.S. 5,009,996).

Applicant notes that the Office Action did not reject claim 37, which recites a titanium structure comprising at least a portion of an enclosure wall, chamber shield, cover ring or deposition ring.

Claim 21 depends upon independent claim 20, and claim 20 has now been amended to recite a titanium structure comprising at least a portion of an enclosure wall, a chamber shield, a cover ring or deposition ring.

Claim 35 also now recites a titanium structure comprising at least a portion of an enclosure wall, chamber shield, cover ring or deposition ring. Claim 36 is dependent upon claim 35.


Claim 38 is being cancelled.

As acknowledged by the Examiner, Lin et al. is "silent as to the base material being titanium." Further, Garg et al. does not teach a substrate processing chamber component as claimed. Nor does Garg et al. teach a titanium structure comprising at least a portion of an enclosure wall, chamber shield, cover ring or deposition ring. Thus, claims 21, 35 and 36 are not obvious over the combination of Lin et al. and Garg et al..

For these reasons, the present claims are allowable over the cited art.
Should the Examiner have any questions regarding the above remarks, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,
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Encl.: Declaration (37 C.F.R. § 1.132)